

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

MARKETXT HOLDINGS CORP.,  
Debtor.

ALAN NISSELSON, as Chapter 11 Trustee  
of MARKETXT HOLDINGS CORP., and the  
OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS,

Plaintiffs,

v.

KEVIN WALTZER and  
STEWART F. GROSSMAN, Trustee  
of the Newton Trust,

Defendants.

Chapter 11

Case No. 04-12078 (ALG)  
(Substantively Consolidated)

Adv. Proc. No. 08-1102 (ALG)

**NOTICE OF APPEAL**

Notice is hereby given that Kevin Waltzer and Stewart F. Grossman as Trustee of the Newton Trust, Defendants in the above-referenced adversary proceeding, hereby appeal to the United States District Court for the Southern District of New York from the Counter Order (1) Granting Summary Judgment to Plaintiffs on Third Claim for Relief Subordinating Claim No. 4 of The Newton Trust as Assignee In Interest of Kevin Waltzer; (2) Denying Motion to Dismiss the Third Claim for Relief; and (3) Dismissing the First and Second Claims for Relief, and Deeming Such Claims for Relief as Objections to Claims Under Rule 3007 of The Federal Rules of Bankruptcy Procedure entered in this adversary proceeding on June 4, 2008 in favor of the above-named Plaintiffs (the “Counter-Order”) (Docket No. 21). A copy of the Counter-Order is attached hereto as Exhibit “A”.

The parties to this appeal as represented by their attorneys are as follows:

Alan Nisselson, Esq./Howard L. Simon, Esq. Windels Marx Lane & Mitteldorf, LLP 156 West 56th Street New York, NY 10019	Lester M. Kirshenbaum, Esq. Kaye Scholer, LLP 425 Park Avenue New York, NY 10022
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Dated: New York, New York  
June 6, 2008

**COLE, SCHOTZ, MEISEL,  
FORMAN & LEONARD, P.A.**  
A Professional Corporation  
Attorneys for the Defendants

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